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S. Robert Chuey 39,140
Name of Attorney Registration No.
Signature of Attorney



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JUL 21 2003

P&G Case 7984

TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Robert David Piotrowski, et al. :
Confirmation No.: 2044 : Examiner: Monica Smith Carter
Serial No.: 09/804,819 : Group Art Unit: 3722
Filed: March 13, 2001 :

For: METHOD FOR DIRECTING CONSUMERS TO PREFERRED COFFEE SELECTION

BRIEF ON APPEALS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed, pursuant to 37 C.F.R. 1.192(a), is Appellant's brief on Appeal for the above application. The Brief is being forwarded in triplicate.

Please charge the fee of \$320.00 pursuant to 37 C.F.R. 1.17(c) to Deposit Account No. 16-2480 for the filing of the brief in support of an appeal. The Commissioner is also authorized to charge any additional fees which may be required to this account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By

S. Robert Chuey
Attorney or Agent for Applicant(s)
Registration No. 39,140
(513) 634-0102

Date: June 30, 2003

Customer No. 27752

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P&G Case 7984

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
PIOTROWSKI, Robert David, et al. : Confirmation No. 2044
Serial No. 09/804,819 : Group Art Unit 3722
Filed March 13, 2001 : Examiner Monica Smith Carter

For METHODS FOR DIRECTING CONSUMERS TO PREFERRED COFFEE SELECTION

APPELLANT'S BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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JUL 21 2003

TECHNOLOGY CENTER R3700

Dear Sir:

Appellants hereby appeal to the Board of Appeals the decision of the Examiner dated January 28, 2003, finally rejecting Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66. The Notice of Appeal was timely filed and received in the US Patent and Trademark Office on April 29, 2003. A copy of the return post card is attached. The present Appeal Brief is believed to be timely filed, and this Brief is being filed in triplicate.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company, assignee of Appellants' entire right, title, and interest in the invention at issue. The Assignment to the Procter & Gamble Company for this case is recorded at the Patent and Trademark Office at Reel 012970 and Frame 0465.

RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' undersigned legal representative and the Assignee are not aware of any pending appeals or interferences that would be directly affected by or have a bearing on the Board's decision in the subject Appeal.

STATUS OF CLAIMS

Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 are the subject of this appeal. No other claims are pending or allowed. All other Claims were cancelled during prosecution. Claims

1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 were finally rejected in the Final Office Action dated January 28, 2003. The claims on appeal are set forth in the Appendix.

STATUS OF AMENDMENTS

No amendments were filed or proposed after the Final Office Action in this case. And it is believed that all previous amendments have been entered and considered.

SUMMARY OF THE INVENTION

The present invention is directed to a method for directing consumers to their preferred type of coffee utilizing simple self-characterization cues that are easily recognizable by the consumer. More particularly, the present invention is directed to a method in which there is utilized a communication (e.g. charts, guides, symbols, phrases, or other communication) via a representation (e.g., coffee package, bin card, or other representation) at the point of purchase that helps the consumer to characterize the coffee and purchase a preferred coffee for himself. [*page 1, lines 15 – 22*]

The present invention, in one preferred embodiment, is directed to a method wherein a consumer is presented with multiple self-characterization cues that allow the consumer to characterize his desired coffee in a way the consumer readily understands and is familiar with. These cues will be readily understandable to large numbers of consumers, and more importantly, will have substantially identical meanings to various individuals. The coffee flavor is communicated to the consumer through the use of two or more characterization cues. The cues can be divided into three types as follows:

- (1) Objective Cues - are those cues which provide informative, coffee-related data. These may include, for example, a roast scale to identify the degree of roast or a coffee guide which utilizes concise descriptions of the coffee flavor delivered by each classification. Other Objective Cues could include, but are not limited to, coffee information addressing characters of different narrative coffee bean varietals, different roasting methods, and/or different grinding techniques.
- (2) Abstract Lifestyle/Personality Cues - are those cues which utilize depictions of physical objects or props to ascribe a "personality" or "character" to the coffee, thus intuitively aiding the consumer in understanding the coffee's flavor character. Objects and props may include Coffee Related Accessories and Non-Coffee Related Objects and Props, as defined herein. The Abstract Lifestyle/Personality cue may include the following:

- (a) an Object or Prop which remains constant across all classifications but varies in shape or style across three or more classifications (e.g. a cup/mug which varies in shape or style)
- (b) a Non-Coffee Related Object or Prop which is unique across three or more classifications (e.g. a vase used to represent one classification, a violin used to represent a second classification, and a suitcase used to represent a 3rd classification)

(3) Physical Cues - refers to all other cues which most commonly include, but are not limited to, the use of color, lettering style, texture, icons, shape, and/or names which utilize an adjective commonly used to describe a personality. When bundled with Objective Cues or Abstract Lifestyle/Personality Cues, Physical Cues can enhance the communication. They also play a key role in the consumer's repeated recognition of a particular classification at purchase decisions subsequent to the first purchase decision. *[page 3, line 22 – page 5, line 10]*

Use of the present methods to direct the consumer to a particular coffee based on the consumer's own self-characterization of their individual tastes and preferences, results in significantly higher satisfaction with the coffee than if these products were self-selected by the consumer without the self-characterization indicators from the same available options. *[page 1, line 23 - page 1, line 2]* The self-characterization cues allow the consumer to readily identify the coffee type or types most likely to be preferred by the consumer and thereby allows the consumer to identify and purchase one or more of the products, as well to remember and re-identify the coffee product at the point of subsequent purchases. *[page 5, lines 10- 15]*

When viewed as a whole, the present invention provides substantial benefits over the teachings of the prior art, and as such, is useful and not obvious over prior art teachings.

ISSUES

Do Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 produce a "concrete" result as required under 35 U.S.C. § 101?

Are Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 obvious over US Patent No. 5,568,763, to Kunzler, under 35 U.S.C. § 103 (a)?

GROUPING OF CLAIMS

Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 stand or fall together.

ARGUMENTS

Rejection under 35 USC § 101

A. The Examiner's Rejection

Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 stand rejected under 35 USC § 101 for allegedly lacking usefulness because the method of the present claims do not produce a "concrete" result. The Examiner goes on to state, "there is no guarantee that any of the claimed Self-Characterization Cues would direct a consumer to one or more types of coffees." Final Office Action at page 2.

B. Argument

This rejection is conclusory. There is no citation of law to support this other than the recitation of the one word -concrete- from 35 USC § 101. The Court of Appeals for the Federal Circuit recently addressed the issue of usefulness under 35 USC § 101. The Court in *State Street Bank v. Signature Financial Group*, 149 F.3d 1368, 47 USPQ 2d 1596 (Fed.Cir. 1998), reaffirmed that as long as an invention fell within one of the four enumerated categories in § 101, and did not fall within one of the exceptions, the invention was patentable subject matter under § 101, *id* at, 149 F.3d 1372. There is no dispute that the present claims are directed to a method that falls within the enumerated category of "processes". Moreover, the Examiner has not alleged that the present claims fall within one of the exceptions to this rule, such as the Judicially created exceptions of mathematical algorithms, laws of nature, abstract ideas, or natural phenomenon.

Extend on
abstract
idea

Further, The *State Street* Court cited to legislative history for the proposition that "Congress intended §101 to extend to 'anything under the sun that is made by man' Thus, it is improper to read limitations into § 101 on the subject matter that may be patented where the legislative history indicates that Congress clearly did not intend such limitations." *id* at, 149 F.3d 1373 (additional citations omitted).

But in spite of the law regarding § 101, the Examiner states that the claims produce no concrete result because "there is no guarantee that any of the claimed Self-Characterization Cues would direct a consumer to one or more types of coffees." But this is not true. If at the end of the process of the present claims, the consumer does not select and buy coffee, they are not practicing the invention. The claims require that coffee is actually selected and purchased. The selection and purchase of coffee is the "concrete" result that the Examiner looks for. It is just that simple. Stated a different way, if the concrete result the Examiner seeks is not obtained, then the consumer is simply not practicing within the limits of the present claims.

Ultimately, the present claims define a method that produces a "useful, concrete, and tangible result", which is, the consumer purchases a coffee product that is best suited to their

lifestyle and tastes. As such, the present claims are patentable subject matter under 35 USC § 101 and it is respectfully requested that the present rejection be overturned.

The Rejection Under 35 U.S.C. § 103(a)

A. The Examiner's Rejection

Claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65 and 66 stand rejected under 35 USC § 103 for allegedly being obvious in light of US Patent No. 5,568,763, which issued to Kunzler.

The Examiner states that Kunzler teaches a coffee brewing device that allows the consumer to select the size and strength of the coffee based on indicia on the machine. Moreover, the Examiner goes on to assert that because the machine in Kunzler can be used for tea, hot water and hot chocolate, it renders obvious the claims of the present invention. Final Office Action at page 3.

B. The Prior Art

Kunzler

The Appellants do not contest the Examiner's characterization of Kunzler. Indeed, Kunzler teaches an automated brewing device that allows the consumer to select the amount and strength of the coffee based on indicia on the machine. Moreover, Kunzler teaches that the brewing device can be used for tea, hot water and hot chocolate.

C. Argument

The present invention is directed to methods for helping a consumer select one or more types of coffee from a variety of options. The method steps include presenting Multiple Self-Characterization Cues to the consumer regarding the consumer's coffee taste preferences, with the information collection being provided through the use of a representation at the point of purchase. The representation describes a classification of coffee products from among at least two available classifications, which are preferably related to the coffee roast and coffee flavor. Each classification may contain multiple coffee products, wherein each of the available classifications corresponds to a predetermined range of coffee taste preferences. And the Multiple Self-Characterization Cues comprising one Abstract Lifestyle/Personality Cue, which is the same object across three or more classifications but varies in shape. Using the information presented, the consumer identifies and purchases one or more of the products.

It must be understood that there are multiple coffee products at different degrees of roast, different grinds, and different coffee blends utilizing beans of different origin. Understanding coffee for the consumer is extremely complex, and rivals the exercise of understanding wines;

given that there are different types of grapes, each having flavor notes and characters that can be impacted by year to year changes in soil conditions and climate, with there being the possibility that all these be blended in different ways and fermented for various time periods and under different conditions. At the same time, many consumers want to be able to choose the right coffee for themselves quickly and reliably with minimal effort, preferably the first time, and every time. Further complicating this situation is that in a given store, literally dozens of options with respect to coffee products might be available for purchase. Accordingly, there is a need to have the capability of quickly and simply directing the consumer to a coffee or coffees that will meet his individual preferences among the myriad of choices.

All this has been exacerbated by the fact that many consumers do not understand how the various options available with respect to coffee products correspond to their taste preferences. It is generally accepted that consumers instinctively know what type of coffee they like when they taste it, but it is an immense challenge for the coffee manufacturer to help the consumer select the right coffee since the consumer himself lacks the language to communicate his preferences. The challenge is increased by the fact that the common consumer does not want to spend much time figuring out which coffee they will like, and thus it is necessary to communicate with the consumer using self-apparent, almost intuitive cues.

As such, the characteristics of a cup of coffee are determined by more than the strength of the coffee. And the amount of the coffee in a cup is a characteristic that is not related in any way to the coffee within the cup. Possibly the two most important characteristics affecting the flavor of coffee are the type of beans used and how they are roasted. Consumers have only recently become aware of the differences between various coffee beans and different roasting methods.

Through the effective use of words and other cues described herein, consumers can communicate or select their desired degree of roast with relatively high success. However, we find that a common language to describe flavor character is lacking. For instance, the term 'acidity', a coffee attribute often considered desirable by coffee experts, has negative connotations in the minds of many consumers. Some of these consumers truly dislike acidic coffee, but many of these consumers prefer acidic coffee and are not aware of it. All these things come together to make it very difficult to communicate a coffee's flavor to the consumer such that he can easily identify a coffee that matches his preferences.

But before the methods of the present invention, consumers were not provided with a system of visual cues to relate the characteristics of a coffee's flavor with their own lifestyles and preferences. For example, Figures 1A, 1B and 1C of the present specification exemplify symbols on a sliding scale that relate to the roast of the beans, and Figure 2 shows a chart with cues related to the blends of various types of beans. These charts and sliding scales have nothing to do with

the strength of the coffee as that term is used in Kunzler. Strength control, as taught in Kunzler and countless other art references, is well known to the art and not part of the present methods.

In sharp contrast to methods of the present claims, Kunzler teaches a standard coffee brewer wherein the strength and quantity of the coffee can be varied based on a consumer's selected criteria. More specifically, the consumer selects from various strength and size indicators and the brewer sets the amount of beans to be ground and the amount of time that water will be injected into the grounds. These settings determine the strength and size of the cup of coffee brewed. Strength and size controls are well known to the art of coffee brewing and the simple control system taught in Kunzler is among the easiest way to control these parameters.

Additionally, as the Examiner correctly points out, Kunzler teaches the use of its machine for brewing tea and hot chocolate, or hot water. Leaving aside the question of how one controls the strength of hot water, Appellant does not see the relevance of these teachings to the present claims. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The teaching of brewing strong or weak tea in Kunzler does not teach or suggest the a method of selecting between different coffee roasts, grinds or countries of origin. Strength and volume controls, which are the only teachings on Kunzler, are admittedly part of the prior art and not part of the present claims. It is certainly envisioned that the methods of the present claims can and will be used in conjunction with strength and volume control, but the present claims extend beyond that.

Moreover, in addition to using the concepts of roast, color, grind, flavor, and country of origin as distinguishing features from which to select the coffee of interest, the present claims ties these coffee traits to "Abstract Lifestyle/Personality cues" which are not taught or suggested in Kunzler. This fact alone renders the present claims non-obvious over the teachings of Kunzler. The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). It is respectfully urged that, even if one modifies the teachings of Kunzler, the resulting modification does not teach all of Appellants' claimed elements.

The present methods are not taught or suggested in Kunzler, or the other references made of record in the present case. As such, the Applicant respectfully requests that the rejection of the present claims under § 103 be overturned.

CONCLUSION

In light of the above remarks, it is requested that the Board reconsider and overturn the rejections of the present claims under 35 USC §§ 101 and 103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,
For: PIOTROWSKI, *et al.*

By 

S. Robert Chuey
Attorney for Appellants
Registration No. 39,140
Telephone: (513) 634-0102

Date: June 30, 2003

Customer No. 27752

APPENDIX

1. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least two available classifications, each of which may contain multiple coffee products, wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences; and

said Multiple Self-Characterization Cues comprising one Abstract Lifestyle/Personality Cue which is the same object across three or more classifications but varies in shape, whereby the consumer identifies and purchases one or more of said products.
2. The method according to Claim 1 wherein there are multiple products contained within each available classification.
3. The method of Claim 1 wherein the Self-Characterization Cues comprise additionally at least two self-characterization cues selected from the following:
 - a) at least one Objective Cue providing informative, coffee-related data;
 - b) at least one Abstract Lifestyle/Personality Cue utilizing depictions of physical objects or props that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues, that vary among at least two classifications.
4. The method of Claim 1 wherein the Self-Characterization Cues additionally comprise at least two self-characterization cues selected from the following:
 - a) at least two Objective Cues;
 - b) optionally, one or more Abstract Lifestyle/Personality Cues that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues.

5. The method of Claim 2 wherein the Self-Characterization Cues additionally comprise a roast scale.
6. The method of Claim 2 wherein the Self-Characterization Cues additionally comprise a coffee guide.
7. The method of Claim 2 wherein said method additionally comprises at least two Abstract Lifestyle/Personality Cues, at least one of which Non-Coffee Related Abstract Lifestyle/Personality Cue.
8. The method of Claim 2 wherein said method additionally comprises at least two Abstract Lifestyle/Personality Cues.
9. The method of Claim 2 wherein the Abstract Lifestyle/Personality Cue is a coffee cup or mug that varies across at least two classifications.
10. The method of Claim 3 wherein the Objective Cues are a roast scale and a coffee chart/guide.
11. The method of Claim 8 wherein at least one Non-Coffee Related Abstract Lifestyle/Personality Cue is used.
16. The method of Claim 1 wherein said representation comprises a modified slide-rule type device.
17. The method of Claim 1 wherein said representation comprises a printed chart and accompanying instructions for use.
20. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least two available classifications, each of which may contain multiple coffee products, wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences; and

said Multiple Self-Characterization Cues comprising one Non-Coffee Related Abstract Lifestyle/Personality Cue which a unique object across three or more classifications, whereby the consumer identifies and purchases one or more of said products.

21. The method according to Claim 20 wherein there are multiple products within each available classification.
22. The method of Claim 20 wherein the Self-Characterization Cues comprise at least two Self-Characterization Cues selected from the following:
 - a) at least one Objective Cue providing informative, coffee-related data;
 - b) at least one Abstract Lifestyle/Personality Cue utilizing depictions of physical objects or props that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues, that vary among at least two classifications.
23. The method of Claim 20 wherein the Self-Characterization Cues additionally comprise at least two self-characterization cues selected from the following:
 - a) at least two Objective Cues;
 - b) optionally, one or more Abstract Lifestyle/Personality Cues that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues.
24. The method of Claim 22 wherein the Self-Characterization Cues additionally comprise a roast scale.
25. The method of Claim 22 wherein the Self-Characterization Cues additionally comprise a coffee guide.

26. The method of Claim 22 wherein said method additionally comprises at least two Abstract Lifestyle/Personality Cues.
27. The method of Claim 22 wherein the Abstract Lifestyle/Personality Cue is a coffee cup or mug that varies across at least two classifications.
28. The method of Claim 23 wherein the Objective Cues are a roast scale and a coffee chart/guide.
29. The method of Claim 28 wherein at least one additional Non-Coffee Related Abstract Lifestyle/Personality Cue is used.
30. The method of Claim 29 wherein the said Non-Coffee Related Abstract Lifestyle/Personality Cue is a coffee cup or mug.
32. The method of Claim 20 wherein said representation comprises a modified slide-rule type device.
33. The method of Claim 20 wherein said representation comprises a printed chart and accompanying instructions for use.
53. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting two or more Non-Coffee Related Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least three available classifications, each of which may contain multiple coffee products, wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences, whereby the consumer identifies and purchases one or more of said products.

54. The method according to Claim 53 wherein there are multiple products within each available classification.
55. The method of Claim 53 wherein the Self-Characterization Cues additionally comprise at least two self-characterization cues selected from the following:
 - a) at least one Objective Cue providing informative, coffee-related data;
 - b) at least one Abstract Lifestyle/Personality Cue utilizing depictions of physical objects or props that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues, that vary among at least two classifications.
56. The method of Claim 53 wherein the self-characterization cues additionally comprise at least two self-characterization cues selected from the following:
 - a) at least two Objective Cues;
 - b) optionally, one or more Abstract Lifestyle/Personality Cues that vary among at least two classifications; and
 - c) optionally, one or more Physical Cues.
57. The method of Claim 55 wherein the Self-Characterization Cues additionally comprise a roast scale.
58. The method of Claim 55 wherein the Self-Characterization Cues additionally comprise a coffee guide.
59. The method of Claim 55 wherein said method additionally comprises at one Abstract Lifestyle/Personality Cue that is Coffee Related.
60. The method of Claim 59 wherein the Abstract Lifestyle/Personality Cue is a coffee cup or mug that varies across at least two classifications.
61. The method of Claim 56 wherein the Objective Cues are a roast scale and a coffee chart/guide.
62. The method of Claim 61 wherein at least one Abstract Lifestyle/Personality Cue is used.

63. The method of Claim 61 wherein said Abstract Lifestyle/Personality Cue is a coffee cup or mug.
65. The method of Claim 53 wherein said representation comprises a modified slide-rule type device.
66. The method of Claim 53 wherein said representation comprises a printed chart and accompanying instructions for use.

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Application Number	09/804,819	JUL 21 2003
Confirmation Number	2044	TECHNOLOGY CENTER R3700
Filing Date	March 13, 2001	
First Named Inventor	Robert David Piotrowski	
Examiner Name	Not Yet Assigned	
Group/Art Unit	3628	
Attorney Docket No.	7984	

TOTAL AMOUNT OF PAYMENT (\$ 320.00)

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GROUP 3600

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 16-2480

Deposit Account Name The Procter & Gamble Company

- ☒ Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17

FEE CALCULATION

1. BASIC FILING FEE - Large Entity

Code (\$)	Fee Description	Fee Paid
101 740	Utility filing fee	<input type="checkbox"/>
106 330	Design filing fee	<input type="checkbox"/>
108 740	Reissue filing fee	<input type="checkbox"/>
114 160	Provisional filing fee	<input type="checkbox"/>

SUBTOTAL (1) (\$)☐

2. EXTRA CLAIM FEES - Large Entity

	Extra Claims	Fee from Below	Fee Paid
Total Claims	<input type="checkbox"/> - 20** = <input type="checkbox"/> x <input type="checkbox"/>	<input type="checkbox"/> = <input type="checkbox"/>	<input type="checkbox"/>
Independent Claims	<input type="checkbox"/> - 3** = <input type="checkbox"/> x <input type="checkbox"/>	<input type="checkbox"/> = <input type="checkbox"/>	<input type="checkbox"/>
Multiple Dependent	<input type="checkbox"/>	<input type="checkbox"/> = <input type="checkbox"/>	<input type="checkbox"/>

** or number previously paid, if greater; For Reissues, see below

Code (\$)	Fee Description
103 18	Claims in excess of 20
102 84	Independent claims in excess of 3
104 280	Multiple dependent claim, if not paid
109 84	**Reissue independent claims over original patent
110 18	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$)☐

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Code (\$)	Fee Description	Fee Paid
105 130	Surcharge-late filing fee or oath	<input type="checkbox"/>
127 50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>
139 130	Non-English specification	<input type="checkbox"/>
147 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>
112 920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>
113 1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>
115 110	Extension for reply within 1 st month	<input type="checkbox"/>
116 400	Extension for reply within 2 nd month	<input type="checkbox"/>
117 920	Extension for reply within 3 rd month	<input type="checkbox"/>
118 1,440	Extension for reply within 4 th month	<input type="checkbox"/>
128 1,960	Extension for reply within 5 th month	<input type="checkbox"/>
119 320	Notice of Appeal	<input type="checkbox"/>
120 320	Filing a brief in support of an appeal	<input checked="" type="checkbox"/>
121 280	Request for oral hearing	<input type="checkbox"/>
138 1,510	Petition to institute a public use proceeding	<input type="checkbox"/>
140 110	Petition to revive - unavoidable	<input type="checkbox"/>
141 1,280	Petition to revive - unintentional	<input type="checkbox"/>
142 1,280	Utility issue fee (or reissue)	<input type="checkbox"/>
143 460	Design issue fee	<input type="checkbox"/>
122 130	Petitions to the Commissioner	<input type="checkbox"/>
123 50	Petitions related to provisional applications	<input type="checkbox"/>
126 180	Submission of Information Disclosure Statement	<input type="checkbox"/>
146 740	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>
149 740	For each additional invention to be examined (37 CFR §1.129(b))	<input type="checkbox"/>
179 740	Request for Continued Examination (RCE)	<input type="checkbox"/>
169 900	Request for expedited examination of a design application	<input type="checkbox"/>
091 1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>
	Other fee (specify) _____	<input type="checkbox"/>
	Other fee (specify) _____	<input type="checkbox"/>

* Reduced by Basic Filing Fee Paid SUBTOTAL(3) (\$ [320]

SUBMITTED BY

Name (Print/Type)	S. Robert Chuey	Registration No. (Attorney/Agent)	39,140	Telephone	(513) 634-0102
Signature		Date	June 30, 2003		

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Fee Transmittal (original + copy)

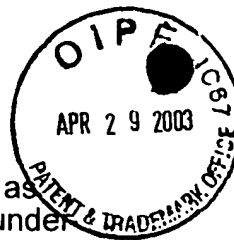
Notice of Appeal (original + copy)

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37 CFR 1.8 dated April 21, 2003.



Inventor: Robert David Piotrowski, et al.

Serial No. 09/087804,819

Conf. No.: 2044

Filed: March 13, 2001

Case: 7984

SRC/sbs